

Exhibit G



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Transcript of Stephanie Christianson, Designated Representative

Date: June 27, 2018

Case: UMG Recordings, Inc., et al. -v- Grande Communications Networks, LLC, et al.

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Transcript of Stephanie Christianson, Designated Representative 1 (1 to 4)
Conducted on June 27, 2018

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1 IN THE UNITED STATES DISTRICT COURT	1 A P P E A R A N C E S
2 FOR THE WESTERN DISTRICT OF TEXAS	2 FOR PLAINTIFFS:
3 AUSTIN DIVISION	3 Philip J. O'Beirne
4 UMG RECORDINGS, INC., §	4 STEIN MITCHELL CIPOLLONE
5 et al. §	5 BEATO & MISSNER LLP
6 §	6 1100 Connecticut Avenue, N.W., Suite 1100
7 VS. § CIVIL ACTION NUMBER	7 Washington, D.C. 200036
8 § 1:17-cv-0365-LY	8 (202) 661-0900
9 GRANDE COMMUNICATIONS §	9 pobeirne@steinmitchell.com
10 NETWORKS LLC and §	10
11 PATRIOT MEDIA §	11 ON BEHALF OF DEFENDANTS:
12 CONSULTING, LLC §	12 Richard L. Brophy
13	13 Margaret R. Szweczyk
14 30(b)(6) Deposition of	14 ARMSTRONG TEASDALE LLP
15 Grande Communications Networks LLC	15 7700 Forsyth Boulevard, Suite 1800
16 By and Through its Designated Representative	16 St. Louis, Missouri 63105
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18 And in Her Individual Capacity	18 rbrophy@armstrongteasdale.com
19 Austin, Texas	19 mszewczyk@armstrongteasdale.com
20 June 27, 2018	20
21 9:53 a.m.	21 VIDEOGRAPHER:
22 Volume 1 of 2	22 Leyhbert Sharp
23 Job No.: 193712	23
24 Pages: 1 - 238	24
25 Reported by: Micheal A. Johnson, RDR, CRR	25
2	4
1 Deposition of STEPHANIE CHRISTIANSON, held	1 INDEX
2 at the location of:	2 STEPHANIE CHRISTIANSON
3	3 June 27, 2018
4 Kelly Hart & Hallman LLP	4 APPEARANCES 3
5 303 Colorado Street, Suite 2000	5 PROCEEDINGS 8
6 Austin, Texas 78701	6
7	7 EXAMINATION OF STEPHANIE CHRISTIANSON:
8	8 BY MR. O'BEIRNE 9
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10 Pursuant to Notice, before Micheal A.	10 ACKNOWLEDGMENT OF DEPONENT 236
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Transcript of Stephanie Christianson, Designated Representative 4 (13 to 16)
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<p style="text-align: right;">13</p> <p>1 Q. And your date of birth?</p> <p>2 A. September 15, 1976.</p> <p>3 Q. And your current address?</p> <p>4 A. 1055 Pinnacle Parkway, New Braunfels,</p> <p>5 Texas 78132.</p> <p>6 Q. And what is your current position with</p> <p>7 Grande?</p> <p>8 A. I am a technical project manager.</p> <p>9 Q. How long have you been a technical project</p> <p>10 manager?</p> <p>11 A. Approximately two and a half years.</p> <p>12 Q. And who do you report to?</p> <p>13 A. James Jordan.</p> <p>14 Q. Do you have individuals that report</p> <p>15 directly to you?</p> <p>16 A. I do not.</p> <p>17 Q. Okay. Another housekeeping item.</p> <p>18 Yesterday Mr. Christianson was deposed, you may be</p> <p>19 aware?</p> <p>20 A. I am.</p> <p>21 Q. And in front of you are exhibits that we</p> <p>22 entered during his deposition. And to save paper</p> <p>23 and for convenience, if I'm going to use again an</p> <p>24 exhibit I used yesterday, my plan is just to hand</p> <p>25 you the exhibit from the pile we used and that way</p>	<p style="text-align: right;">15</p> <p>1 A. Correct.</p> <p>2 Q. We have the list from counsel. I think</p> <p>3 we're all on the same page as to which topics they</p> <p>4 are, but I just wanted to make sure to have that</p> <p>5 in front of us as we go forward this morning.</p> <p>6 Okay?</p> <p>7 A. Sure.</p> <p>8 MR. BROPHY: Counsel, just one point of</p> <p>9 clarification on that. Topic 41, which we</p> <p>10 originally designated Ms. Christianson for, I</p> <p>11 think we're going to be able to find a more</p> <p>12 appropriate witness for that topic. So if you're</p> <p>13 okay with it, we would like to de-designate her</p> <p>14 for Topic 41 and provide someone else for that</p> <p>15 topic. She can speak to it to some extent, but I</p> <p>16 think there's likely someone else who's better</p> <p>17 suited for responding to that topic.</p> <p>18 MR. O'BEIRNE: Okay. Can we table that</p> <p>19 until a break, because I think we have some other</p> <p>20 topics for which Ms. Christianson is not</p> <p>21 designated and I want to follow up with you about</p> <p>22 that too.</p> <p>23 MR. BROPHY: Certainly.</p> <p>24 MR. O'BEIRNE: Let's huddle up, but for</p> <p>25 now I won't ask questions on 41.</p>
<p style="text-align: right;">14</p> <p>1 you'll have it in front of you and counsel already</p> <p>2 has a copy.</p> <p>3 MR. O'BEIRNE: And I understand counsel</p> <p>4 has no objection to us proceeding that way.</p> <p>5 MR. BROPHY: That's correct.</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. So if you could slide me that stack of</p> <p>8 exhibits, which are unchanged and untouched from</p> <p>9 yesterday, and all I'll do is flip through and</p> <p>10 find whatever I want to talk to you about so that</p> <p>11 we'll be on the same page.</p> <p>12 A. Sounds good.</p> <p>13 Q. Okay. With that, I am handing you what</p> <p>14 was admitted yesterday as Plaintiffs' Exhibit 188.</p> <p>15 Please take a moment to review the first page of</p> <p>16 that document.</p> <p>17 (Witness reviews document.)</p> <p>18 BY MR. O'BEIRNE:</p> <p>19 Q. This is the notice of 30(b)(6) deposition</p> <p>20 that plaintiffs served on Grande. Have you seen</p> <p>21 this document before?</p> <p>22 A. I have.</p> <p>23 Q. And you are here to provide 30(b)(6)</p> <p>24 testimony in response to the topics -- some of the</p> <p>25 topics listed in here, correct?</p>	<p style="text-align: right;">16</p> <p>1 MR. BROPHY: Sounds good.</p> <p>2 BY MR. O'BEIRNE:</p> <p>3 Q. Ms. Christianson, I'm handing you what was</p> <p>4 introduced previously as Plaintiffs' Exhibit 54.</p> <p>5 Please take a moment to review that.</p> <p>6 (Witness reviews document.)</p> <p>7 BY MR. O'BEIRNE:</p> <p>8 Q. That is one of Grande's responses to</p> <p>9 written discovery in this case that are called</p> <p>10 "interrogatories." Have you reviewed this</p> <p>11 document before?</p> <p>12 A. No.</p> <p>13 Q. Okay. One of the topics in your</p> <p>14 deposition regards -- I guess several of them do,</p> <p>15 acceptable use policies and DMCA policies that</p> <p>16 have been adopted by Grande. You generally</p> <p>17 understand that, right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And if you look at interrogatory --</p> <p>20 if you turn to page 12 of PX54, you'll see there's</p> <p>21 an Interrogatory 11, "Describe in detail the</p> <p>22 complete factual and legal bases for your</p> <p>23 contention that you are entitled to safe harbor</p> <p>24 protection under the DMCA."</p> <p>25 Do you see that?</p>

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<p style="text-align: right;">17</p> <p>1 A. Yes, I do.</p> <p>2 Q. Then if you turn to Topic 13 of the</p> <p>3 notice, which is one of the topics I understand</p> <p>4 for which you've been offered by Grande, the topic</p> <p>5 is, "The factual basis (or bases) for Grande's</p> <p>6 assertion to entitlement to the DMCA safe harbor</p> <p>7 from copyright infringement liability (referenced</p> <p>8 in Grande's response to Plaintiffs'</p> <p>9 Interrogatory 11), to include 'each policy that</p> <p>10 provides for the termination of subscribers and</p> <p>11 account holders who are repeat copyright</p> <p>12 infringers' Grande references, the effective date</p> <p>13 and period of application of such a policy, the</p> <p>14 implementation of such a policy, and the number of</p> <p>15 repeat infringers terminated under that policy."</p> <p>16 You see that?</p> <p>17 A. I do.</p> <p>18 Q. Are you prepared to provide testimony on</p> <p>19 behalf of Grande on Topic 13?</p> <p>20 A. I am.</p> <p>21 Q. Okay.</p> <p>22 (Deposition Exhibit 190 marked for</p> <p>23 identification.)</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. I'm handing you what I've just marked as</p>	<p style="text-align: right;">19</p> <p>1 A. Yes, I do.</p> <p>2 Q. All right. I would like to ask you now</p> <p>3 about Grande's acceptable use policies over time</p> <p>4 and its DMCA policy. Okay?</p> <p>5 A. Sure.</p> <p>6 Q. I'm handing you what's previously been</p> <p>7 admitted as PX103. Do you recognize that</p> <p>8 document?</p> <p>9 (Witness reviews document.)</p> <p>10 A. Yes.</p> <p>11 BY MR. O'BEIRNE:</p> <p>12 Q. What is that?</p> <p>13 A. It is the acceptable use policy that's on</p> <p>14 our Internet.</p> <p>15 Q. And what was the effective date of that</p> <p>16 policy?</p> <p>17 A. It is dated October 1st, 2013.</p> <p>18 Q. I see that at the top. So I understand</p> <p>19 you to be testifying that that policy became</p> <p>20 effective October 1st, 2013?</p> <p>21 A. That is what it says.</p> <p>22 Q. Again, so -- and I'm glad you mentioned it</p> <p>23 that way so we can clarify. Throughout the day</p> <p>24 there may be documents that have information in</p> <p>25 them and I may ask you, does this document say X</p>
<p style="text-align: right;">18</p> <p>1 PX190. I'm sorry, I accidentally handed you two</p> <p>2 copies of it. PX190 is a supplemental response to</p> <p>3 Interrogatories 11 and 15 served by Grande on</p> <p>4 plaintiffs in this case. Do you see that from the</p> <p>5 title?</p> <p>6 A. I do.</p> <p>7 Q. And so we've got in front of us the third</p> <p>8 supplemental responses to all the interrogatories</p> <p>9 and then the supplemental response to 11.</p> <p>10 In PX190, if you look at the bottom of</p> <p>11 page 2 -- bear with me, I'm sorry. I lost my --</p> <p>12 sorry -- at the top of page 3. So we're looking</p> <p>13 at PX190, the top of page 3, the third line down</p> <p>14 starts a sentence, "The document titled DMCA</p> <p>15 Policy and Procedure, which has already been</p> <p>16 produced, has been available at" -- and there's a</p> <p>17 link to Grande's DMCA policy -- "since</p> <p>18 November 30, 2016." Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And then it also says, "Grande's</p> <p>21 Acceptable Use Policy, which has already been</p> <p>22 produced, has been available at" -- and then</p> <p>23 there's another link -- "since at least</p> <p>24 March 2014."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">20</p> <p>1 or Y or Z, like you just said what -- words are</p> <p>2 written on the top of the document. That's one</p> <p>3 kind of question. Another kind of question is</p> <p>4 setting aside what the document says, what</p> <p>5 knowledge does Grande have about the document, the</p> <p>6 circumstances of it, the meaning of it, et cetera.</p> <p>7 Do you understand that distinction?</p> <p>8 A. I do.</p> <p>9 Q. So Topic 13 we looked at is the factual</p> <p>10 basis for Grande's assertion to entitlement to the</p> <p>11 safe harbor to include the effective date of any</p> <p>12 policy that Grande believes entitles it to the</p> <p>13 safe harbor.</p> <p>14 So what was the effective date of that</p> <p>15 policy?</p> <p>16 A. I can't answer that. I'm not sure.</p> <p>17 Q. Okay. Is that the current Grande</p> <p>18 acceptable use policy for residential users?</p> <p>19 (Witness reviews document.)</p> <p>20 BY MR. O'BEIRNE:</p> <p>21 Q. Ms. Christianson, are you reviewing that</p> <p>22 in detail to ensure that's an accurate copy of the</p> <p>23 one that was effective 2013 or to determine</p> <p>24 whether there's a subsequent one?</p> <p>25 A. I'm trying to see if there's some clue in</p>

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<p style="text-align: right;">29</p> <p>1 provided for the termination of subscribers or</p> <p>2 account holders who are repeat copyright</p> <p>3 infringers?</p> <p>4 A. I can't speak to that either.</p> <p>5 Q. Did Grande have a policy in 2011 that</p> <p>6 provided for the termination of subscribers or</p> <p>7 account holders who are repeat copyright</p> <p>8 infringers?</p> <p>9 A. I can't speak to that.</p> <p>10 Q. Did Grande have a policy in 2012 that</p> <p>11 provides for the termination of subscribers and</p> <p>12 account holders who are repeat copyright</p> <p>13 infringers?</p> <p>14 A. Repeat the question, please.</p> <p>15 Q. Did Grande have a policy in 2012 that</p> <p>16 provided for the termination of subscribers and</p> <p>17 account holders who are repeat infringers?</p> <p>18 A. That provided for the termination, is that</p> <p>19 what you're asking?</p> <p>20 Q. Yes.</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. Did Grande have a policy in 2014 that</p> <p>23 provided for the termination of subscribers and</p> <p>24 account holders who were repeat infringers?</p> <p>25 A. Not that I'm aware of.</p>	<p style="text-align: right;">31</p> <p>1 testimony with anybody at the break?</p> <p>2 A. No.</p> <p>3 Q. Okay. Before we broke, we were discussing</p> <p>4 Grande's historical handling of allegations of</p> <p>5 copyright infringement. Do you recall that?</p> <p>6 A. I do.</p> <p>7 Q. And we've established that prior to --</p> <p>8 well, strike that.</p> <p>9 Between 2010 -- I'm sorry, strike that</p> <p>10 again. I'm going to take this in a sensible way.</p> <p>11 The 12 subscribers that Grande has</p> <p>12 terminated for copyright infringement were all</p> <p>13 terminated after June 2017, correct?</p> <p>14 A. Yes.</p> <p>15 Q. So it's fair to say that Grande did not</p> <p>16 terminate any subscribers for copyright</p> <p>17 infringement or alleged copyright infringement</p> <p>18 between at least October 2010 and May 2017,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. That was based on a decision made by</p> <p>22 Grande in 2010, right?</p> <p>23 MR. BROPHY: I'll object as outside the</p> <p>24 scope of the topics.</p> <p>25</p>
<p style="text-align: right;">30</p> <p>1 Q. Grande did not have a policy that provided</p> <p>2 for the termination of subscribers and account</p> <p>3 holders who were repeat infringers until, at the</p> <p>4 earliest, the DMCA policy and procedure published</p> <p>5 in 2016, correct?</p> <p>6 A. Yes.</p> <p>7 MR. O'BEIRNE: Did you need to break now</p> <p>8 or at 10:30?</p> <p>9 MR. BROPHY: If it's okay -- if now is</p> <p>10 okay.</p> <p>11 MR. O'BEIRNE: Now is okay. Can we huddle</p> <p>12 up real quick before you disappear?</p> <p>13 MR. BROPHY: Sure.</p> <p>14 MR. O'BEIRNE: Let's go off the record.</p> <p>15 THE VIDEOGRAPHER: Let's go off the record</p> <p>16 at 10:27.</p> <p>17 (Recess taken from 10:27 a.m. to</p> <p>18 11:05 a.m.)</p> <p>19 THE VIDEOGRAPHER: We're going back on the</p> <p>20 record at 11:05.</p> <p>21 BY MR. O'BEIRNE:</p> <p>22 Q. Ms. Christianson, you understand you're</p> <p>23 still under oath?</p> <p>24 A. I do.</p> <p>25 Q. Did you discuss the substance of your</p>	<p style="text-align: right;">32</p> <p>1 BY MR. O'BEIRNE:</p> <p>2 Q. You can answer.</p> <p>3 A. Yes.</p> <p>4 Q. And from October 2010 through May 2017,</p> <p>5 Grande was not terminating any users for copyright</p> <p>6 infringement or alleged copyright infringement</p> <p>7 regardless of the source of any notice of</p> <p>8 copyright infringement, right?</p> <p>9 A. Sorry, can you repeat that?</p> <p>10 Q. Sure, that's fine. From October 2010</p> <p>11 through May 2017, Grande was not terminating any</p> <p>12 users for copyright infringement or alleged</p> <p>13 copyright infringement regardless of the source of</p> <p>14 any notice of alleged copyright infringement that</p> <p>15 it received, right?</p> <p>16 A. Correct.</p> <p>17 Q. And from 2010 through May 2017, Grande was</p> <p>18 not terminating any users for copyright</p> <p>19 infringement or alleged copyright infringement</p> <p>20 regardless of the content of any notice of alleged</p> <p>21 copyright infringement that it received, right?</p> <p>22 A. Correct.</p> <p>23 Q. And from 2010 through May 2017, Grande was</p> <p>24 not terminating any users for copyright</p> <p>25 infringement or alleged copyright infringement</p>

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33	<p>1 regardless of the volume of notices regarding</p> <p>2 copyright infringement that it received for a</p> <p>3 given customer?</p> <p>4 A. Correct.</p> <p>5 Q. So from 2010 through May 2017, there was</p> <p>6 no possibility that any Grande subscriber would be</p> <p>7 terminated for copyright infringement, right?</p> <p>8 MR. BROPHY: Objection, vague, calls for</p> <p>9 speculation, outside the scope of the topics.</p> <p>10 You can answer in your personal capacity</p> <p>11 if you're aware.</p> <p>12 A. I am not aware.</p> <p>13 BY MR. O'BEIRNE:</p> <p>14 Q. There was no possibility that a Grande</p> <p>15 subscriber for whom Grande received a notice of</p> <p>16 copyright infringement, would be terminated for</p> <p>17 copyright infringement from 2010 through May 2017,</p> <p>18 right?</p> <p>19 MR. BROPHY: Objection, vague, calls for</p> <p>20 speculation and outside the scope of the topics.</p> <p>21 You can answer in your personal capacity</p> <p>22 if you're aware.</p> <p>23 A. I can't answer that.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. You agreed with me that Grande wasn't</p>	35	<p>1 BY MR. O'BEIRNE:</p> <p>2 Q. So I'm asking, did Grande terminate the 12</p> <p>3 infringers it's terminated since May 2017 under</p> <p>4 its DMCA policy and procedure?</p> <p>5 A. Yes.</p> <p>6 Q. And Grande did so because it determined</p> <p>7 the circumstances were appropriate to terminate</p> <p>8 them as repeat copyright infringers under its DMCA</p> <p>9 policy and procedure?</p> <p>10 MR. BROPHY: Objection, vague, calls for</p> <p>11 speculation, outside the scope of the topics, but</p> <p>12 you can answer.</p> <p>13 A. Yes.</p> <p>14 BY MR. O'BEIRNE:</p> <p>15 Q. When was the DMCA -- strike that.</p> <p>16 Grande's DMCA policy and procedure was</p> <p>17 implemented, at the earliest, February 2017,</p> <p>18 right?</p> <p>19 MR. BROPHY: Object as vague, but you can</p> <p>20 answer.</p> <p>21 A. So the DMCA policy when it was put in</p> <p>22 place and on the website, is the date on which it</p> <p>23 would've been enforced.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. When was it put on the website?</p>
34	<p>1 terminating anybody for copyright infringement</p> <p>2 during that period, right?</p> <p>3 MR. BROPHY: Objection, mischaracterizes</p> <p>4 the testimony.</p> <p>5 A. To my knowledge.</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. And you're here as Grande's witness as to</p> <p>8 the factual bases for any entitlement to the safe</p> <p>9 harbor, right?</p> <p>10 A. Yes.</p> <p>11 Q. Grande terminated the 12 people it has</p> <p>12 terminated since May 2017 because the</p> <p>13 circumstances were appropriate to terminate them</p> <p>14 as repeat copyright infringers, correct?</p> <p>15 MR. BROPHY: Objection, outside the scope</p> <p>16 of the topics, vague, calls for speculation.</p> <p>17 You can answer in your personal capacity</p> <p>18 if you're aware.</p> <p>19 MR. O'BEIRNE: Hold on, I would just like</p> <p>20 to clarify the record. Topic No. 13, the factual</p> <p>21 basis for Grande's assertion to entitlement to the</p> <p>22 DMCA safe harbor, including, but not limited to,</p> <p>23 the implementation of such a policy and the number</p> <p>24 of repeat infringers terminated under the policy.</p> <p>25</p>	36	<p>1 A. It looks like it was November of 2016.</p> <p>2 Q. But nobody was terminated under the policy</p> <p>3 until June 2017, right?</p> <p>4 A. June 2017 was the first termination.</p> <p>5 Q. Okay. So it's your testimony that the</p> <p>6 earliest that the DMCA policy and procedure was</p> <p>7 implemented was November 2016?</p> <p>8 MR. BROPHY: Objection, vague.</p> <p>9 A. That was when the policy was put on the</p> <p>10 website and it was enforced.</p> <p>11 BY MR. O'BEIRNE:</p> <p>12 Q. So my specific question is, what is the</p> <p>13 earliest date on which the DMCA policy and</p> <p>14 procedure was implemented? And I understand you</p> <p>15 to be testifying that the earliest date of</p> <p>16 implementation of the DMCA policy and procedure</p> <p>17 was November 2016.</p> <p>18 MR. BROPHY: Objection, vague.</p> <p>19 BY MR. O'BEIRNE:</p> <p>20 Q. Do you agree with that?</p> <p>21 A. November 2016 is when it was posted on the</p> <p>22 website.</p> <p>23 Q. Okay. I'm handing you what's previously</p> <p>24 been admitted as PX53. Do you see that?</p> <p>25 A. Yeah. Yes.</p>

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<p style="text-align: right;">37</p> <p>1 Q. That is Grande's current policy titled</p> <p>2 "DMCA Policy and Procedure," correct?</p> <p>3 A. Yes.</p> <p>4 Q. So as we're talking today, when I refer to</p> <p>5 Grande's DMCA policy and procedure, I'm referring</p> <p>6 to that document. You understand?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. As opposed to, say, the acceptable</p> <p>9 use policy effective October 1st, 2013. Okay?</p> <p>10 A. Yes.</p> <p>11 Q. All right. When was that DMCA policy and</p> <p>12 procedure, PX53, first implemented by Grande?</p> <p>13 A. It would've been November of 2016, when it</p> <p>14 was posted to the website.</p> <p>15 Q. You would agree with me that prior to the</p> <p>16 posting -- strike that.</p> <p>17 I would like to talk about two periods</p> <p>18 now. The period before November 2016 -- strike</p> <p>19 that.</p> <p>20 I would like to talk to you about the time</p> <p>21 period between 2010 and November 2016, that's one</p> <p>22 time period, and then the time after November 2016</p> <p>23 is the second period. Is that fair?</p> <p>24 A. Yes.</p> <p>25 Q. All right. You've already testified that</p>	<p style="text-align: right;">39</p> <p>1 A. I don't know that I can say that I would</p> <p>2 agree with you on that.</p> <p>3 BY MR. O'BEIRNE:</p> <p>4 Q. What factual basis exists for Grande to</p> <p>5 assert entitlement to the safe harbor under the</p> <p>6 DMCA for any period between October 2010 and</p> <p>7 November 2016?</p> <p>8 MR. BROPHY: Same objections.</p> <p>9 MR. O'BEIRNE: Hold on. To be clear,</p> <p>10 Topic 13 says the factual basis for Grande's</p> <p>11 assertion to entitlement to the DMCA safe harbor</p> <p>12 from copyright infringement liability.</p> <p>13 BY MR. O'BEIRNE:</p> <p>14 Q. So I'm asking, Ms. Christianson, please</p> <p>15 tell me the factual basis, as Grande's corporate</p> <p>16 witness, for Grande to assert an entitlement to</p> <p>17 the DMCA safe harbor for any time period between</p> <p>18 October 2010 and November 2016.</p> <p>19 MR. BROPHY: Just to be clear, this topic</p> <p>20 addresses the factual bases for it, not</p> <p>21 Ms. Christianson's understanding of the law and</p> <p>22 how those facts apply to the law. So I'm going to</p> <p>23 continue to object as outside of the scope of the</p> <p>24 topics for that reason.</p> <p>25 MR. O'BEIRNE: Okay. I'll give you -- the</p>
<p style="text-align: right;">38</p> <p>1 Grande did not have a policy that provided for the</p> <p>2 termination of subscribers and account holders who</p> <p>3 were repeat infringers until, at the earliest,</p> <p>4 that DMCA policy and procedure, right?</p> <p>5 MR. BROPHY: Objection, mischaracterizes</p> <p>6 her earlier testimony and also vague.</p> <p>7 You can answer.</p> <p>8 A. I did say that.</p> <p>9 BY MR. O'BEIRNE:</p> <p>10 Q. So you would agree with me that prior</p> <p>11 to -- strike that.</p> <p>12 You would agree with me that between at</p> <p>13 least 2010 and November 2016, there is no factual</p> <p>14 basis for Grande to assert an entitlement to the</p> <p>15 DMCA safe harbor?</p> <p>16 MR. BROPHY: I'm sorry, Counsel. Would</p> <p>17 you mind repeating that question? I apologize.</p> <p>18 BY MR. O'BEIRNE:</p> <p>19 Q. You would agree with me that between at</p> <p>20 least 2010 and November 2016, there is no factual</p> <p>21 basis for Grande to assert an entitlement to the</p> <p>22 DMCA safe harbor?</p> <p>23 MR. BROPHY: Objection as outside the</p> <p>24 scope of the 30(b)(6) topics, calling for</p> <p>25 speculation and vague.</p>	<p style="text-align: right;">40</p> <p>1 objection's in the record. Can I just re-read the</p> <p>2 question for the benefit of the witness?</p> <p>3 MR. BROPHY: Yeah.</p> <p>4 MR. O'BEIRNE: So understanding your</p> <p>5 objection to the scope.</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. Ms. Christianson, here's my question:</p> <p>8 Please tell me the factual basis or bases as</p> <p>9 Grande's corporate witness, for Grande to assert</p> <p>10 an entitlement to the DMCA safe harbor for any</p> <p>11 time period between October 2010 and</p> <p>12 November 2016?</p> <p>13 A. I can't answer that.</p> <p>14 Q. You have in front of you PX -- I think</p> <p>15 it's 182, the 2013 -- it's 103. Sorry. PX103 in</p> <p>16 front of you, the 2013 acceptable use policy; you</p> <p>17 see that?</p> <p>18 A. Yes.</p> <p>19 Q. You would agree with me that that is the</p> <p>20 acceptable use policy in place at Grande from</p> <p>21 October 1st, 2013, through the present, correct?</p> <p>22 A. If this is the one that's posted on the</p> <p>23 website, yes.</p> <p>24 Q. Okay. And prior to the implementation of</p> <p>25 the DMCA policy and procedure document that we've</p>

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<p style="text-align: right;">41</p> <p>1 looked at, that is the only policy at Grande</p> <p>2 governing copyright infringement allegations</p> <p>3 against Grande subscribers, right?</p> <p>4 MR. BROPHY: Objection, vague.</p> <p>5 A. I'm sorry. Can you repeat it?</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. Sure. Let's just break it down. You</p> <p>8 understand the DMCA policy and procedure addresses</p> <p>9 alleged copyright infringement by Grande</p> <p>10 subscribers, right?</p> <p>11 A. Yes.</p> <p>12 Q. And the acceptable use policy also</p> <p>13 addresses copyright infringement, right?</p> <p>14 A. Yes.</p> <p>15 Q. So prior to the DMCA policy and procedure</p> <p>16 document that we've looked at, the 2013 acceptable</p> <p>17 use policy was the only policy at Grande</p> <p>18 addressing allegations of copyright infringement</p> <p>19 submitted by third parties to Grande based on</p> <p>20 conduct of -- by Grande subscribers, right?</p> <p>21 MR. BROPHY: Same objection.</p> <p>22 A. Yes.</p> <p>23 BY MR. O'BEIRNE:</p> <p>24 Q. So if I'm a Grande subscriber in</p> <p>25 January 2014 and I want to know what I'm allowed</p>	<p style="text-align: right;">43</p> <p>1 infringement by its subscribers?</p> <p>2 A. Repeat the question for me one more time.</p> <p>3 Q. Sure. Again, I'm trying to differentiate</p> <p>4 between November 2016 and forward under the new</p> <p>5 DMCA policy and procedure and the time when just</p> <p>6 this policy was in effect.</p> <p>7 So my question is, during the time this</p> <p>8 policy was in effect in PX103 but before the DMCA</p> <p>9 policy and procedure, what e-mail addresses was</p> <p>10 Grande using to accept notices of alleged</p> <p>11 copyright infringement by its subscribers?</p> <p>12 A. It was abuse@ -- I believe it was</p> <p>13 grandecom.com at the time.</p> <p>14 Q. Also dmca@grandecom.com?</p> <p>15 A. Yes.</p> <p>16 Q. And I've seen at various times e-mail</p> <p>17 suffixes of @mygrande.com, @grandecom.com. Is it</p> <p>18 your understanding that those all go to the same</p> <p>19 place?</p> <p>20 A. Yes, ultimately. We migrated everything.</p> <p>21 Q. So an e-mail sent to dmca@mygrande.com for</p> <p>22 the time when that e-mail was active and</p> <p>23 dmca@grandecom.com, those would both go into the</p> <p>24 system?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">42</p> <p>1 to do with Grande's Internet service, I would look</p> <p>2 to that document, right?</p> <p>3 MR. BROPHY: Objection, vague; also</p> <p>4 outside the scope of the topics, calls for</p> <p>5 speculation.</p> <p>6 A. This acceptable use policy is where we</p> <p>7 would have that information. What a customer</p> <p>8 would do, I cannot speak to.</p> <p>9 BY MR. O'BEIRNE:</p> <p>10 Q. Okay. But it's fair to say this Internet</p> <p>11 acceptable use policy governed the acceptable use</p> <p>12 of Grande's Internet service by its customers?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And if I were a third-party</p> <p>15 copyright owner and I wanted to submit a notice of</p> <p>16 copyright infringement by a Grande subscriber in</p> <p>17 January 2014, what would I look at of Grande's</p> <p>18 policies to figure out how to do that?</p> <p>19 A. The acceptable use policy.</p> <p>20 Q. Okay. Between October 2013 -- well,</p> <p>21 strike that.</p> <p>22 During the time that this acceptable use</p> <p>23 policy was in effect and prior to the DMCA policy</p> <p>24 and procedure, what e-mail addresses did Grande</p> <p>25 have set up to receive notices of copyright</p>	<p style="text-align: right;">44</p> <p>1 Q. The abuse system?</p> <p>2 A. Say that one more time.</p> <p>3 Q. The abuse system?</p> <p>4 A. Yes.</p> <p>5 Q. Other than the dmca@ and the abuse@</p> <p>6 addresses that we've discussed, was there any</p> <p>7 other e-mail address at which Grande was accepting</p> <p>8 and processing notices of alleged copyright</p> <p>9 infringement from October 2013 until</p> <p>10 November 2016?</p> <p>11 MR. BROPHY: Objection, vague.</p> <p>12 A. Repeat the question for me, please.</p> <p>13 BY MR. O'BEIRNE:</p> <p>14 Q. Sure. Other than the dmca@ and the abuse@</p> <p>15 e-mail addresses that you've referenced, was there</p> <p>16 any other e-mail address at which Grande was</p> <p>17 accepting and processing notices of alleged</p> <p>18 copyright infringement from October 2013 until</p> <p>19 November 2016?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. As Grande's corporate witness you're not</p> <p>22 aware of any other, right?</p> <p>23 MR. BROPHY: Same objection.</p> <p>24 A. No.</p> <p>25</p>

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<p style="text-align: right;">65</p> <p>1 is, right?</p> <p>2 MR. BROPHY: I'll object as outside the</p> <p>3 scope of the topics and vague.</p> <p>4 A. In general terms, yes.</p> <p>5 BY MR. O'BEIRNE:</p> <p>6 Q. Okay. And obviously Topic 2, I would like</p> <p>7 to discuss with you Grande's knowledge of its</p> <p>8 customers' or users' use of Grande's Internet</p> <p>9 service to infringe copyrighted sound recordings.</p> <p>10 So obviously we're going to be discussing what</p> <p>11 "infringing sound recordings" means.</p> <p>12 MR. BROPHY: I'll object as outside the</p> <p>13 scope of the topics.</p> <p>14 BY MR. O'BEIRNE:</p> <p>15 Q. Okay. Ma'am, do you believe that you</p> <p>16 understand what "infringe copyrighted sound</p> <p>17 recordings" means sufficient to testify about</p> <p>18 Topic No. 2?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. You understand that copyrighted</p> <p>21 sound recordings can be infringed by various kinds</p> <p>22 of activities?</p> <p>23 MR. BROPHY: Same objections.</p> <p>24 A. What kind of activities are you referring</p> <p>25 to?</p>	<p style="text-align: right;">67</p> <p>1 A. Sure, it can.</p> <p>2 Q. Well, you understand that's what this case</p> <p>3 is about, is that users of Grande's services,</p> <p>4 plaintiffs allege, infringed plaintiffs' works</p> <p>5 over BitTorrent, right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you -- how many notices of</p> <p>8 alleged infringement did Grande receive between</p> <p>9 2011 and 2016?</p> <p>10 A. Notices of alleged infringement is about</p> <p>11 1.2 million.</p> <p>12 Q. And you understand that those notices</p> <p>13 largely deal with peer-to-peer file sharing</p> <p>14 infringement?</p> <p>15 A. Allegedly, yes.</p> <p>16 Q. Right. Sitting here today, what evidence</p> <p>17 do you have, as Grande's representative on Topic</p> <p>18 No. 2, that any particular notice received by</p> <p>19 Grande did not accurately describe the factual</p> <p>20 information contained in that notice?</p> <p>21 MR. BROPHY: I'll object as outside the</p> <p>22 scope of the topics, calling for speculation and</p> <p>23 vague.</p> <p>24 A. I'm sorry, what do you mean? Repeat the</p> <p>25 question.</p>
<p style="text-align: right;">66</p> <p>1 BY MR. O'BEIRNE:</p> <p>2 Q. Well, for example, you could take a CD and</p> <p>3 burn a bunch of copies of a CD. That could be</p> <p>4 copyright infringement, right?</p> <p>5 A. Yes.</p> <p>6 Q. Or you could make digital copies of an</p> <p>7 electronic sound recording. That could be</p> <p>8 copyright infringement?</p> <p>9 A. Yes.</p> <p>10 Q. And one of the ways that copyrighted sound</p> <p>11 recordings are infringed is through online file</p> <p>12 sharing, right?</p> <p>13 MR. BROPHY: Object as outside the scope</p> <p>14 of the topics and also vague, calling for</p> <p>15 speculation.</p> <p>16 A. I suppose it's one of the ways, yes.</p> <p>17 BY MR. O'BEIRNE:</p> <p>18 Q. Well, you don't just have to suppose,</p> <p>19 right? I mean you generally understand people</p> <p>20 share files over, say, peer-to-peer networks like</p> <p>21 BitTorrent, right?</p> <p>22 MR. BROPHY: Same objections.</p> <p>23 A. I understand that it's a thing, yes.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. That occurs?</p>	<p style="text-align: right;">68</p> <p>1 BY MR. O'BEIRNE:</p> <p>2 Q. Sure. Well, in topic --</p> <p>3 A. Rephrase.</p> <p>4 Q. Sure. Topic No. 1 is "Communications,</p> <p>5 information and documents concerning copyright</p> <p>6 infringement of sound recordings through your</p> <p>7 customers' use of your Internet service."</p> <p>8 And then Topic No. 2 talks about Grande's</p> <p>9 knowledge of the use of the service, infringement.</p> <p>10 So I'm just asking you, you just testified</p> <p>11 Grande's testimony is that it received at least</p> <p>12 1.2 million, approximately, notices of -- what you</p> <p>13 called "alleged infringement," between 2011 and</p> <p>14 2016, right?</p> <p>15 A. Yes.</p> <p>16 Q. Sitting here today, what evidence do you</p> <p>17 have, as Grande's representative, that any</p> <p>18 particular one of those notices contained a</p> <p>19 description of alleged infringement that was</p> <p>20 inaccurate?</p> <p>21 MR. BROPHY: Object as outside the scope</p> <p>22 of the 30(b)(6) topics and vague.</p> <p>23 A. I can only report that we've received the</p> <p>24 notices.</p> <p>25</p>

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69	<p>1 BY MR. O'BEIRNE:</p> <p>2 Q. Topic 29 is "Grande's receiving,</p> <p>3 forwarding, developing, conceiving, drafting,</p> <p>4 implementing, or disseminating to customers, users</p> <p>5 or other third parties, any notice."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Grande does not independently investigate</p> <p>9 the contents of any notice of copyright</p> <p>10 infringement that it receives, does it?</p> <p>11 A. Investigate how?</p> <p>12 Q. In any way.</p> <p>13 A. Can I ask you to rephrase that? I want to</p> <p>14 make sure I've got the correct question you're</p> <p>15 asking.</p> <p>16 Q. Sure. Let me repeat my question.</p> <p>17 Grande does not independently investigate</p> <p>18 the contents of any notice of copyright</p> <p>19 infringement that it receives, correct?</p> <p>20 A. Investigate the content, no.</p> <p>21 Q. Sitting here today, can you tell me of any</p> <p>22 instance in which Grande received a notice</p> <p>23 alleging copyright infringement and determined</p> <p>24 that the factual event described in the notice</p> <p>25 that the sender alleged constituted copyright</p>	71	<p>1 see that, ma'am?</p> <p>2 A. I do.</p> <p>3 Q. This is an e-mail chain from March 2016,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. At the bottom of the e-mail there's --</p> <p>7 strike that.</p> <p>8 The bottom of the first page of PX169 has</p> <p>9 an e-mail from david.pattee@grifols.com to Paul</p> <p>10 Morgan and chris.doyle@mygrande.com. Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. And he's forwarding an e-mail that's</p> <p>14 titled "Notice of Claimed Infringement - Case</p> <p>15 ID 413176005." Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. And he says, "Paul and Chris, Can you</p> <p>18 clarify the abuse e-mail below that we received</p> <p>19 from Grande?"</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And this is being sent by an enterprise</p> <p>23 customer, right, because they would've received an</p> <p>24 e-mail as opposed to a written letter as of</p> <p>25 March 22nd, 2016?</p>
70	<p>1 infringement did not occur as detailed in the</p> <p>2 notice?</p> <p>3 MR. BROPHY: Objection as outside the</p> <p>4 scope of the topics, calling for speculation.</p> <p>5 A. I can't concretely answer that.</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. Is it fair to say that -- well, let's</p> <p>8 think of it this way. Grande receives a notice</p> <p>9 from a copyright holder saying at such and such a</p> <p>10 time, this IP address copied this song. Those are</p> <p>11 the kinds of notices Grande receives, right?</p> <p>12 A. Yes.</p> <p>13 Q. Sitting here today, can you tell me any</p> <p>14 time that Grande determined using any means at its</p> <p>15 disposal, that a notice describing an event</p> <p>16 alleged to be copyright infringement did not occur</p> <p>17 as described in the notice?</p> <p>18 MR. BROPHY: I'll object as outside the</p> <p>19 scope of the topics and calling for speculation.</p> <p>20 A. Not that I could speak to. I don't know</p> <p>21 that.</p> <p>22 BY MR. O'BEIRNE:</p> <p>23 Q. I'm handing you what's previously been</p> <p>24 marked as PX169, a document produced by Grande in</p> <p>25 this case with a Bates number ending 474. Do you</p>	72	<p>1 A. Yes.</p> <p>2 Q. Mr. Morgan responds -- actually, strike</p> <p>3 that.</p> <p>4 Mr. Morgan forwards the e-mail at the</p> <p>5 bottom of the first page of PX169 to @OSC and</p> <p>6 Robert Creel asking, "All, Was an abuse ticket</p> <p>7 created for Girfols or Biomet? See below e-mail</p> <p>8 chain. Is this legit or what is it about?"</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. He then says, "Their IT guy e-mailed me</p> <p>12 this today asking what is going on?"</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. William Rannefeld responds to Mr. Morgan's</p> <p>16 e-mail at 2:23 p.m. on March 22nd, 2016. Do you</p> <p>17 see that?</p> <p>18 A. I do.</p> <p>19 Q. He says, "Paul, This is an e-mail</p> <p>20 generated from our abuse system."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. He says, "I pulled up the actual abuse</p> <p>24 ticket and it is also random numbers and letters."</p> <p>25 Do you see that?</p>

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105	<p>1 on the record, Exhibit 198.</p> <p>2 MR. O'BEIRNE: Oh, sorry. Thank you. My</p> <p>3 apologies. I've got to put my hand on the other</p> <p>4 ones we looked at.</p> <p>5 BY MR. O'BEIRNE:</p> <p>6 Q. Let's look at 69. It's the e-mail from</p> <p>7 Mr. Lomax. Remember that?</p> <p>8 A. Yes.</p> <p>9 Q. So Mr. Lomax in Exhibit 69 says, "This is</p> <p>10 a notice that someone has illegally downloaded</p> <p>11 copyrighted content."</p> <p>12 Do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. And you've testified, I understood you to</p> <p>15 be testifying that perhaps Mr. Lomax didn't fully</p> <p>16 understand the meaning of the information in</p> <p>17 Grande's abuse system. Is that your testimony?</p> <p>18 A. Yes.</p> <p>19 Q. Now, we've covered this, I think, but</p> <p>20 Mr. Horton clearly understands the abuse system,</p> <p>21 right?</p> <p>22 MR. BROPHY: Object as outside the scope</p> <p>23 of the topics.</p> <p>24 A. Yes.</p> <p>25</p>	107	<p>1 A. I don't know what Mr. Murphy knows.</p> <p>2 BY MR. O'BEIRNE:</p> <p>3 Q. He was the president of the company in</p> <p>4 2014. We've established that, right, ma'am?</p> <p>5 A. That is true.</p> <p>6 MR. O'BEIRNE: Do we have an answer on</p> <p>7 198, Counsel?</p> <p>8 MR. BROPHY: I'm sorry?</p> <p>9 MR. O'BEIRNE: Do we have an answer on the</p> <p>10 clawback of 198?</p> <p>11 MR. BROPHY: 198 does need to be clawed</p> <p>12 back, yes.</p> <p>13 MR. O'BEIRNE: Does --</p> <p>14 MR. BROPHY: Does.</p> <p>15 MR. O'BEIRNE: -- affirmatively need to be</p> <p>16 clawed back?</p> <p>17 MR. BROPHY: Yes.</p> <p>18 MR. O'BEIRNE: I'm not in a position now</p> <p>19 to say whether it's also been used in other</p> <p>20 depositions. I just don't remember. Sometimes</p> <p>21 docs have appeared a couple of times as exhibits</p> <p>22 or whatnot, so we can address that. And I'm</p> <p>23 not -- let's table that because if it has been, I</p> <p>24 want to discuss it. But I will put it aside just</p> <p>25 so I don't actually reference it again.</p>
106	<p>1 BY MR. O'BEIRNE:</p> <p>2 Q. Mr. Bloch clearly understands the abuse</p> <p>3 system, right?</p> <p>4 MR. BROPHY: Same objection.</p> <p>5 A. Mr. Bloch's part of the team that actually</p> <p>6 processes the alleged infringement notices. So to</p> <p>7 that portion of the process, yes, he does.</p> <p>8 BY MR. O'BEIRNE:</p> <p>9 Q. Mr. Creel certainly understands the abuse</p> <p>10 process, right? He's the director of network and</p> <p>11 technical support.</p> <p>12 MR. BROPHY: Objection, outside the scope</p> <p>13 of the topics, calling for speculation; also</p> <p>14 vague.</p> <p>15 A. Mr. Creel would understand a portion of it</p> <p>16 at least. I can't speak to how much of the</p> <p>17 process he understands and knows.</p> <p>18 BY MR. O'BEIRNE:</p> <p>19 Q. Mr. Murphy, the president of the company,</p> <p>20 is certainly in a position to provide accurate</p> <p>21 information about what Grande knows in March 2014,</p> <p>22 right, ma'am?</p> <p>23 MR. BROPHY: Objection, calls for</p> <p>24 speculation, outside the scope of the topics. I</p> <p>25 just caution the witness not to speculate.</p>	108	<p>1 MR. BROPHY: I appreciate it.</p> <p>2 BY MR. O'BEIRNE:</p> <p>3 Q. Ms. Christianson, as Grande's corporate</p> <p>4 representative on Topic 2, you would agree with me</p> <p>5 that Mr. Bloch's statement, that they know they</p> <p>6 downloaded the referenced content each time, is</p> <p>7 evidence that the notices Grande receives give an</p> <p>8 actual knowledge of specific acts of infringement</p> <p>9 described in those notices, right, ma'am?</p> <p>10 MR. BROPHY: Objection, calls for</p> <p>11 speculation, vague and asked and answered.</p> <p>12 A. I don't know what Colin was referring to</p> <p>13 in that e-mail.</p> <p>14 BY MR. O'BEIRNE:</p> <p>15 Q. Grande has terminated customers based on</p> <p>16 these notices, right?</p> <p>17 A. Yes.</p> <p>18 Q. The only customers Grande has ever</p> <p>19 terminated were based on -- strike that.</p> <p>20 Grande has only ever terminated customers</p> <p>21 for copyright infringement based on notices it</p> <p>22 received from third parties, right?</p> <p>23 MR. BROPHY: Objection, vague.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. Let me withdraw that question and see if I</p>

Transcript of Stephanie Christianson, Designated Representative 28 (109 to 112)
Conducted on June 27, 2018

<p style="text-align: right;">109</p> <p>1 can come at it a different way.</p> <p>2 Grande has, since 2011, terminated a total</p> <p>3 of 12 customers for copyright infringement, right?</p> <p>4 MR. BROPHY: Objection, vague.</p> <p>5 A. Alleged copyright infringement.</p> <p>6 BY MR. O'BEIRNE:</p> <p>7 Q. Each of those 12 were terminated based on</p> <p>8 notices received by Grande, right?</p> <p>9 A. Yes.</p> <p>10 Q. The notices served as the basis for</p> <p>11 termination, right?</p> <p>12 A. Yes.</p> <p>13 Q. It's not that the 12 people came in</p> <p>14 apropos of nothing and confessed to copyright</p> <p>15 infringement and then Grande terminated them.</p> <p>16 That's not what happened, right?</p> <p>17 A. Correct.</p> <p>18 Q. A third party sent a notice to Grande's</p> <p>19 abuse system, and based on notices received from</p> <p>20 the abuse system, Grande terminated these</p> <p>21 customers?</p> <p>22 A. Yes.</p> <p>23 Q. I'm handing you -- actually, you may have</p> <p>24 it in front of you, PX53. You do, I think, the</p> <p>25 DMCA policy and procedure. Can you find that,</p>	<p style="text-align: right;">111</p> <p>1 DMCA policy, right?</p> <p>2 A. Yes.</p> <p>3 Q. You would agree with me that Grande</p> <p>4 terminated those 12 customers because Grande</p> <p>5 determined that those 12 customers were repeat</p> <p>6 copyright infringers?</p> <p>7 MR. BROPHY: Same objection; also asked</p> <p>8 and answered.</p> <p>9 A. Grande terminated the subscribers because</p> <p>10 we received repeated notices of allegation of</p> <p>11 infringement for their accounts.</p> <p>12 BY MR. O'BEIRNE:</p> <p>13 Q. Does the policy say, "We will terminate</p> <p>14 you even if you're not a repeat infringer if we</p> <p>15 receive allegations that you infringed"? Does it</p> <p>16 say that?</p> <p>17 (Witness reviews document.)</p> <p>18 A. No.</p> <p>19 BY MR. O'BEIRNE:</p> <p>20 Q. It doesn't say that, does it?</p> <p>21 A. No.</p> <p>22 Q. It does say "Grande will terminate the</p> <p>23 subscriptions of repeat copyright infringers."</p> <p>24 How many repeat copyright infringers has Grande</p> <p>25 terminated the subscriptions of?</p>
<p style="text-align: right;">110</p> <p>1 ma'am? You looked at it earlier. Do you see</p> <p>2 that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you see in the first paragraph of this</p> <p>5 document it states, about halfway down starting on</p> <p>6 the far right, "Grande Communications Networks,</p> <p>7 LLC, will terminate the subscriptions of repeat</p> <p>8 copyright infringers"?</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Grande terminated those people because</p> <p>12 they determined them to be repeat copyright</p> <p>13 infringers, right?</p> <p>14 MR. BROPHY: Objection, vague.</p> <p>15 A. Because we received multiple copies of the</p> <p>16 notification of alleged infringement.</p> <p>17 BY MR. O'BEIRNE:</p> <p>18 Q. Based on those notices, Grande determined</p> <p>19 those 12 customers to be repeat copyright</p> <p>20 infringers, right?</p> <p>21 MR. BROPHY: Same objection.</p> <p>22 A. Grande simply received multiple notices of</p> <p>23 alleged infringement for those customers.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. Grande terminated 12 customers under this</p>	<p style="text-align: right;">112</p> <p>1 MR. BROPHY: Objection, vague.</p> <p>2 BY MR. O'BEIRNE:</p> <p>3 Q. Under -- let me qualify that. Since this</p> <p>4 policy was implemented, how many repeat copyright</p> <p>5 infringers has Grande terminated the subscriptions</p> <p>6 of pursuant to this policy?</p> <p>7 MR. BROPHY: Objection, vague, calls for</p> <p>8 speculation; also outside the scope of the topics.</p> <p>9 A. Grande has terminated 12 accounts based on</p> <p>10 alleged infringement.</p> <p>11 BY MR. O'BEIRNE:</p> <p>12 Q. Because the subscribers of those accounts</p> <p>13 were repeat copyright infringers in Grande's</p> <p>14 determination?</p> <p>15 MR. BROPHY: Same objections.</p> <p>16 A. Because we received repeated alleged</p> <p>17 infringement notifications.</p> <p>18 BY MR. O'BEIRNE:</p> <p>19 Q. Ma'am, you received repeated alleged</p> <p>20 infringement notifications for thousands of</p> <p>21 accounts, right?</p> <p>22 A. I don't have the exact number off the top</p> <p>23 of my head.</p> <p>24 Q. You know it's at least several thousand,</p> <p>25 right?</p>

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<p style="text-align: right;">177</p> <p>1 Q. And looking at PX62, which is one of the</p> <p>2 documents Grande pointed us to as representing</p> <p>3 actions taken against subscribers, it lists from</p> <p>4 row 15 to row 37, notices Grande received from</p> <p>5 Rightscorp for this account, right?</p> <p>6 A. Yes.</p> <p>7 Q. PX62 does not list any other entity for</p> <p>8 which Grande received a notice for this account on</p> <p>9 June 15th, does it?</p> <p>10 A. It does not.</p> <p>11 Q. So Grande sent a notice to account ending</p> <p>12 6380 on June 15th based on a Rightscorp notice it</p> <p>13 received, right?</p> <p>14 (Witness reviews document.)</p> <p>15 A. I can't say that conclusively. I would</p> <p>16 need more information.</p> <p>17 BY MR. O'BEIRNE:</p> <p>18 Q. Ma'am, I understand your reluctance to say</p> <p>19 that that's what happened, but isn't that obvious</p> <p>20 from these documents?</p> <p>21 MR. BROPHY: Object as vague.</p> <p>22 A. It's not obvious. There could be</p> <p>23 additional information.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. Grande prepared written discovery</p>	<p style="text-align: right;">179</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Prior to Grande changing its DMCA policy</p> <p>4 and procedure to expressly request notices be</p> <p>5 signed with a PGP digital signature, Grande did</p> <p>6 process Rightscorp notices, correct?</p> <p>7 MR. BROPHY: Objection, vague.</p> <p>8 Counsel, I don't mean to interrupt you,</p> <p>9 but I think the record will be clearer if we</p> <p>10 established what "processing" means. I'm</p> <p>11 concerned that there's some significant lack of</p> <p>12 clarity developing in the record because of that.</p> <p>13 Feel free to ignore that, but I'll throw it out</p> <p>14 there. I think it might help everyone.</p> <p>15 BY MR. O'BEIRNE:</p> <p>16 Q. I'll withdraw the question for one second.</p> <p>17 Please bear with me, ma'am, while I scroll back</p> <p>18 through.</p> <p>19 Your testimony previously was, "the</p> <p>20 alleged notifications we get from Rightscorp have</p> <p>21 not been processed." That's what you said, right?</p> <p>22 A. Yes.</p> <p>23 Q. What did you mean by "have not been</p> <p>24 processed"?</p> <p>25 A. Meaning we take them into our abuse queue</p>
<p style="text-align: right;">178</p> <p>1 responses to us that told me that this document</p> <p>2 reflects actions taken against this customer who</p> <p>3 you terminated, and you're going to say under oath</p> <p>4 that you didn't take action against this customer</p> <p>5 based on Rightscorp notices?</p> <p>6 MR. BROPHY: I'll object to the extent</p> <p>7 that it mischaracterizes the interrogatory and</p> <p>8 defendants' response to that interrogatory.</p> <p>9 A. I can't speak to why this document was</p> <p>10 included.</p> <p>11 BY MR. O'BEIRNE:</p> <p>12 Q. Did you have anything to add to that</p> <p>13 answer, ma'am? I don't want to interrupt you, but</p> <p>14 it seemed like you were going to continue</p> <p>15 testifying.</p> <p>16 A. No.</p> <p>17 MR. O'BEIRNE: I would just like to note</p> <p>18 for the record, the witness considered that answer</p> <p>19 for a minute and ten seconds before answering and</p> <p>20 to a prior question, reviewed the document for</p> <p>21 two minutes and 20 seconds prior to answering.</p> <p>22 BY MR. O'BEIRNE:</p> <p>23 Q. The basis of your testimony that Grande</p> <p>24 does not process Rightscorp notices is the PGP</p> <p>25 digital signature issue you mentioned previously,</p>	<p style="text-align: right;">180</p> <p>1 for counts, but they don't get processed. They</p> <p>2 don't formulate a notification to the subscriber.</p> <p>3 Q. Turned into a letter by the abuse system?</p> <p>4 A. Correct.</p> <p>5 Q. Prior to Grande updating its DMCA policy</p> <p>6 to expressly request notices be signed with a PGP</p> <p>7 digital signature, Grande did process all the way</p> <p>8 through and generate a letter based on Rightscorp</p> <p>9 notices it received, correct?</p> <p>10 A. That is my understanding, yes.</p> <p>11 Q. Your understanding as Grande's corporate</p> <p>12 witness on the topic of notices?</p> <p>13 A. Yes.</p> <p>14 Q. Other than Grande's policy change, sitting</p> <p>15 here today, can you tell me any difference between</p> <p>16 the Rightscorp notices Grande received prior to</p> <p>17 requesting a PGP and after requesting a PGP?</p> <p>18 A. Repeat that.</p> <p>19 Q. Sure. There was a time, before Grande</p> <p>20 requested that notices be digitally signed by PGP,</p> <p>21 where it was sending letters based on Rightscorp</p> <p>22 notices, right?</p> <p>23 A. Yes.</p> <p>24 Q. And then your testimony is, Grande stopped</p> <p>25 sending letters based on Rightscorp notices after</p>

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<p style="text-align: right;">181</p> <p>1 it updated its DMCA policy, to ask senders to</p> <p>2 digitally sign it with PGP, right?</p> <p>3 A. Yes.</p> <p>4 Q. And that happened in April 2017, right?</p> <p>5 A. Yes.</p> <p>6 Q. Sitting here today, can you tell me any</p> <p>7 difference in the notices from Rightscorp from</p> <p>8 before that change and after the change?</p> <p>9 Rightscorp was sending the same information in the</p> <p>10 notices, right?</p> <p>11 A. I don't know of any changes.</p> <p>12 MR. O'BEIRNE: I think this may be a good</p> <p>13 time for a quick break.</p> <p>14 MR. BROPHY: Sure.</p> <p>15 MR. O'BEIRNE: Maybe a quick comfort</p> <p>16 break, but let's keep it quick.</p> <p>17 MR. BROPHY: Okay.</p> <p>18 THE VIDEOGRAPHER: Please stand by. We're</p> <p>19 going off the record at -- we're going off the</p> <p>20 record at 1719.</p> <p>21 (Recess taken from 5:19 p.m. to 5:31 p.m.)</p> <p>22 THE VIDEOGRAPHER: We're going back on the</p> <p>23 record at 1731.</p> <p>24 BY MR. O'BEIRNE:</p> <p>25 Q. Ms. Christianson, you understand you're</p>	<p style="text-align: right;">183</p> <p>1 provided to CSG for the purpose of sending letters</p> <p>2 to Grande customers, right, ma'am?</p> <p>3 A. Yes.</p> <p>4 Q. And the column in the far left has the</p> <p>5 account number of the subscriber that goes with</p> <p>6 the letter, right?</p> <p>7 A. Yes.</p> <p>8 Q. And then on the far right, there's the</p> <p>9 information of when the letter was sent, right?</p> <p>10 A. Yes.</p> <p>11 Q. Then in the letter column, it's which of</p> <p>12 the two letter templates, 550 or 551 was sent?</p> <p>13 A. Yes.</p> <p>14 Q. And then there's a company that sent the</p> <p>15 original notice, and then in ticket 1, 2, 3,</p> <p>16 there's information regarding what copyrighted</p> <p>17 work was included in the notice, right, ma'am?</p> <p>18 A. Yes.</p> <p>19 Q. And so this record reflects letters sent</p> <p>20 to Grande customers based on notices received by</p> <p>21 Grande, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And I'll represent to you that's a</p> <p>24 one-page version of this 8400-page PDF. For ease</p> <p>25 of use, we just created smaller portions of it so</p>
<p style="text-align: right;">182</p> <p>1 still under oath, right, ma'am?</p> <p>2 A. Yes.</p> <p>3 Q. Did you discuss the substance of your</p> <p>4 testimony with anybody at the break?</p> <p>5 A. No.</p> <p>6 Q. Did you call anybody to discuss your</p> <p>7 testimony at the break?</p> <p>8 A. No.</p> <p>9 Q. I'm handing you what's been previously</p> <p>10 marked PX173 that we discussed with</p> <p>11 Mr. Christianson yesterday. That is a document</p> <p>12 based on an 8400-page PDF produced to plaintiffs</p> <p>13 with the beginning Bates number GRANDE2542672. Do</p> <p>14 you recognize that chart?</p> <p>15 A. No.</p> <p>16 Q. Did you assist in the generation of a CSV</p> <p>17 file or an Excel file with this information to be</p> <p>18 turned into this chart?</p> <p>19 A. I may have requested the information.</p> <p>20 Q. Who did you request it from?</p> <p>21 A. My first go-to would've been Lars for this</p> <p>22 information. Although it mentions "letters," so</p> <p>23 I'm not sure he would have that.</p> <p>24 Q. You understand that this reflects</p> <p>25 information in Grande's system of what was</p>	<p style="text-align: right;">184</p> <p>1 we could discuss it. If you turn to the second</p> <p>2 page of that two-page document, PX173, you'll see</p> <p>3 that there's a subsequent page with a different</p> <p>4 Bates number, I think ending 6001. Do you see</p> <p>5 that, ma'am?</p> <p>6 A. Yes.</p> <p>7 Q. And on there, do you also see entries</p> <p>8 reflecting letters sent to customers based on</p> <p>9 notices received by Grande from Rightscorp?</p> <p>10 A. Yes.</p> <p>11 Q. So you would agree with me, then, that if</p> <p>12 there's an entry in this document stating that the</p> <p>13 company is Rightscorp with information in the</p> <p>14 letter sent column, that indicates that a letter</p> <p>15 was sent to a Grande customer by Grande based on a</p> <p>16 notice received for that account from Rightscorp,</p> <p>17 correct?</p> <p>18 A. Yes, that's what it looks like.</p> <p>19 Q. And that's your understanding based on</p> <p>20 Grande's -- knowledge as Grande's corporate</p> <p>21 witness?</p> <p>22 A. Yes.</p> <p>23 Q. Sitting here, can you tell me how many</p> <p>24 letters Grande sent to customers from 2011 to 2017</p> <p>25 based on Rightscorp notices?</p>

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<p style="text-align: right;">221</p> <p>1 BY MR. O'BEIRNE:</p> <p>2 Q. Was there ever a time when Grande</p> <p>3 determined that conduct engaged in by an IP</p> <p>4 address listed in one of its notices had, in fact,</p> <p>5 not been engaged in by that IP address?</p> <p>6 A. No, we don't have the ability to tell you</p> <p>7 what our customers are doing on their IP</p> <p>8 addresses.</p> <p>9 Q. Rightscorp is telling you what your</p> <p>10 customers are doing. What I'm asking you is,</p> <p>11 whether Grande was ever in any single instance</p> <p>12 able to conclude that what Rightscorp was telling</p> <p>13 you your customers were doing was inaccurate?</p> <p>14 MR. BROPHY: Object as outside the scope</p> <p>15 of the topics and vague and also mischaracterizing</p> <p>16 Rightscorp's notices.</p> <p>17 A. Rightscorp is giving us the allegation of</p> <p>18 what our customer is doing. We have no way of</p> <p>19 confirming or denying that.</p> <p>20 BY MR. O'BEIRNE:</p> <p>21 Q. And you would agree with me that Grande</p> <p>22 cannot point to a single instance in which it</p> <p>23 concluded that the alleged activity reflected in</p> <p>24 the Rightscorp notice, in fact, did not occur?</p> <p>25 MR. BROPHY: Same objections.</p>	<p style="text-align: right;">222</p> <p>1 A. Grande would have no way of knowing that.</p> <p>2 BY MR. O'BEIRNE:</p> <p>3 Q. That's not what I'm asking you, ma'am.</p> <p>4 And you have given me the same nonresponsive</p> <p>5 answer several times and I need an answer to this</p> <p>6 question. So I'm just going to ask you to please</p> <p>7 listen to the question.</p> <p>8 You would agree with me Grande cannot</p> <p>9 point to a single instance in which it concluded</p> <p>10 that the alleged activity reflected in any</p> <p>11 Rightscorp notice, in fact, did not occur?</p> <p>12 MR. BROPHY: Same objections; also asked</p> <p>13 and answered.</p> <p>14 A. Yes.</p> <p>15 BY MR. O'BEIRNE:</p> <p>16 Q. Sitting here today, you cannot point to --</p> <p>17 as Grande's -- strike that.</p> <p>18 As Grande's corporate representative on</p> <p>19 Topics 30, 32 and 33, you cannot point to a single</p> <p>20 Rightscorp notice that Grande concluded was</p> <p>21 inaccurate in any respect?</p> <p>22 MR. BROPHY: Objection, outside the scope</p> <p>23 of the topics, vague; also asked and answered.</p> <p>24 A. I cannot.</p> <p>25</p>
<p style="text-align: right;">223</p> <p>1 BY MR. O'BEIRNE:</p> <p>2 Q. You would agree with me, that Grande did</p> <p>3 not meaningfully investigate any notice it</p> <p>4 received from Rightscorp, correct?</p> <p>5 MR. BROPHY: Objection, vague.</p> <p>6 A. The alleged infringement notices? We</p> <p>7 don't have a way of investigating that.</p> <p>8 BY MR. O'BEIRNE:</p> <p>9 Q. So you would agree with me, Grande did not</p> <p>10 meaningfully investigate notices alleging</p> <p>11 infringement that it received from Rightscorp?</p> <p>12 MR. BROPHY: Same objection.</p> <p>13 A. Yes.</p> <p>14 BY MR. O'BEIRNE:</p> <p>15 Q. It did not meaningfully investigate them</p> <p>16 when it was generating letters based on them prior</p> <p>17 to the PGP change, right?</p> <p>18 A. Yes.</p> <p>19 Q. And it did not meaningfully investigate</p> <p>20 them after the PGP change when it only accepted</p> <p>21 them but did not send letters based on them,</p> <p>22 right?</p> <p>23 A. Correct.</p> <p>24 Q. The level of scrutiny or investigation</p> <p>25 Grande applied to Rightscorp notices did not</p>	<p style="text-align: right;">224</p> <p>1 change in any way when Grande went from sending</p> <p>2 letters based on Rightscorp notices to not sending</p> <p>3 letters, right?</p> <p>4 A. Correct.</p> <p>5 Q. The only thing that changed was that</p> <p>6 Grande updated the DMCA policy and procedure in</p> <p>7 2017, to request senders digitally sign notices</p> <p>8 with a PGP, right?</p> <p>9 A. That is correct.</p> <p>10 Q. And based on that policy change, Grande</p> <p>11 ceased sending letters based off Rightscorp</p> <p>12 notices that it had been sending letters based on</p> <p>13 up till that policy change, right?</p> <p>14 A. Yes.</p> <p>15 Q. What specific additional concerns did</p> <p>16 Grande have as to the authenticity of notices it</p> <p>17 received from Rightscorp following the PGP change?</p> <p>18 MR. BROPHY: Counsel, sorry to interrupt.</p> <p>19 Which topic is this?</p> <p>20 MR. O'BEIRNE: Thirty, 32 and 33, Grande's</p> <p>21 understanding of Rightscorp's policies, practices</p> <p>22 and capabilities.</p> <p>23 MR. BROPHY: Okay. I'll object as outside</p> <p>24 the scope of the topics.</p> <p>25 MR. O'BEIRNE: Also communications</p>